

**CASE NUMBER: 16CW0133****APPLICANT: The Landing Development Corporation****STAFF'S ANALYSIS  
AND  
RECOMMENDATION****Board of Supervisors (BOS)****Public Hearing Date:**

OCTOBER 28, 2015

**BOS Time Remaining:**

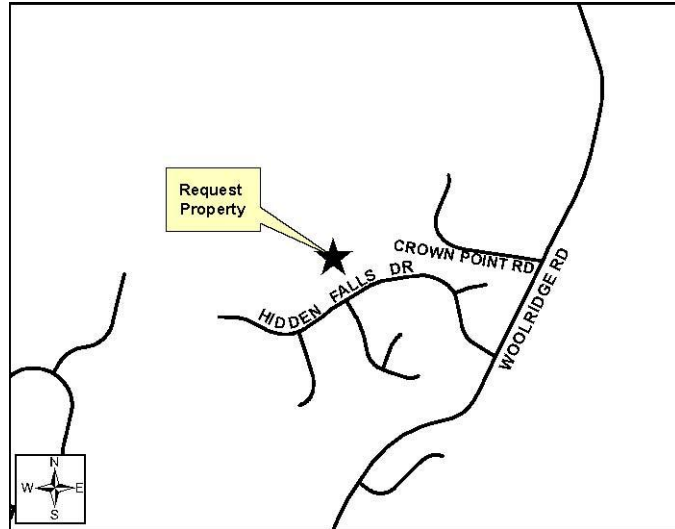
365 DAYS

**Applicant's Contact:**THE LANDING DEVELOPMENT  
CORPORATION – MITCHELL  
BODE (804-627-0000 x1454)**Case Manager:**

WEEDON CLOE (804-768-7797)

**CHESTERFIELD COUNTY, VIRGINIA**Magisterial District: **MATOACA**

4724 Hidden Falls Drive

**APPLICANT'S REQUEST**

An exception to the requirements of Section 19.1-524 of the Zoning Ordinance as it relates to the Chesapeake Bay Preservation Act (CBPA). Specifically, the applicant is requesting to encroach into 0.04 acres of an existing Resource Protection Area (RPA) to perform grading and construction for a community pavilion and associated appurtenances for Section 3 of the Landing at Swift Creek.

**RECOMMENDATION****PLANNING  
COMMISSION**

Under the Zoning Ordinance, a Chesapeake Bay Preservation Act exception request goes directly to the Board of Supervisors without a Planning Commission recommendation.

**STAFF****RECOMMEND APPROVAL**

Recommend approval with the four (4) conditions outlined in Attachment 1.

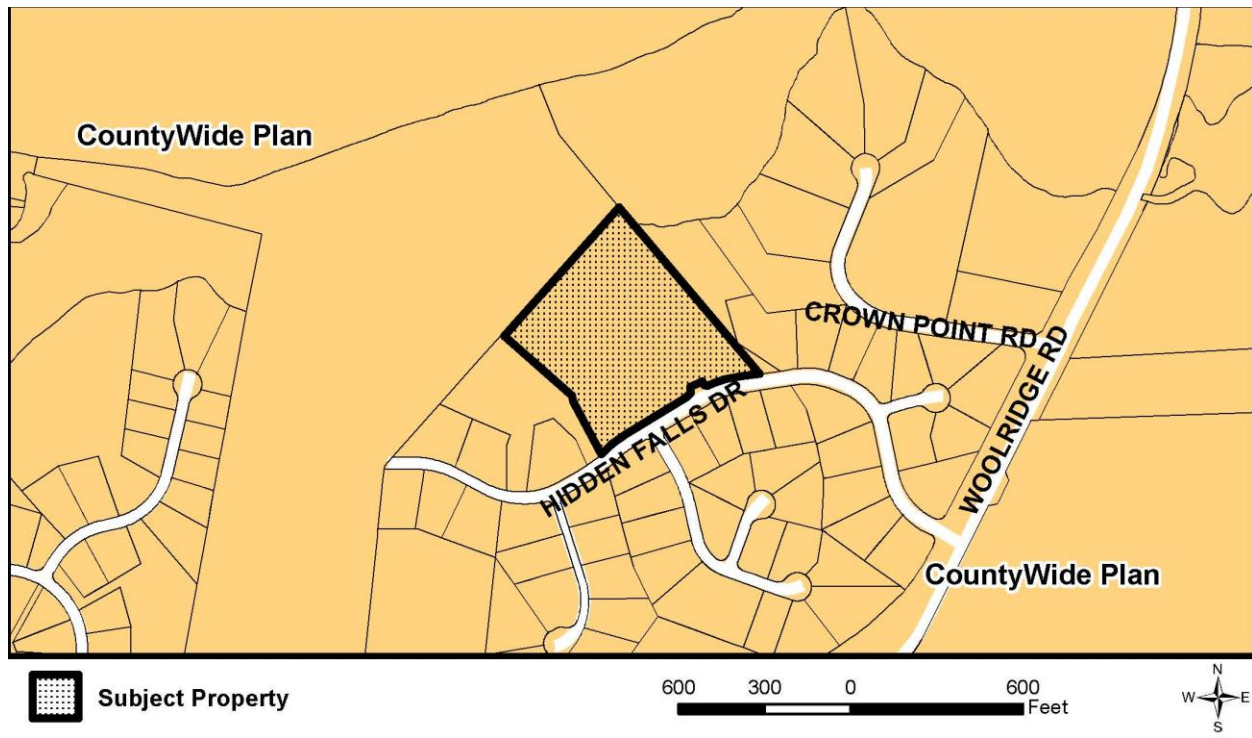




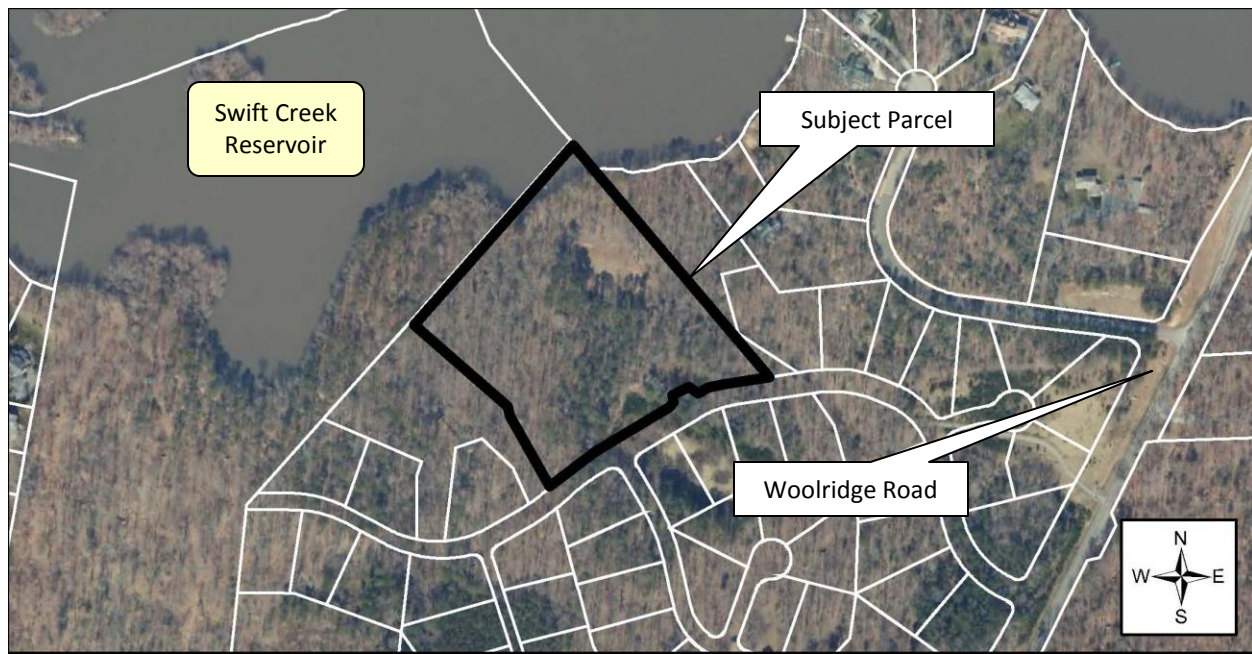
## Map 2: Comprehensive Plan

Classification: **Suburban Residential I**

The designation suggests the property is appropriate for residential use.



## Map 3: Surrounding Land Uses & Development



## ENVIRONMENTAL

### Drainage, Erosion and Water Quality

Staff Contact: Weedon Cloe (804-768-7797) [cloew@chesterfield.gov](mailto:cloew@chesterfield.gov)

## PROPOSAL

On August 18, 2015 the applicant submitted an application to request an exception to the requirements of Section 19.1-524 of the Zoning Ordinance as it relates to the Chesapeake Bay Preservation Act (CBPA). A Resource Protection Area (RPA) buffer exists on the subject property and is approximately 1.79 acres located along the northern boundary of the parcel adjacent to all jurisdictional features associated with Swift Creek Reservoir. The character of the RPA buffer consists of a mature mixed hardwood forest largely comprised of canopy trees, shrubs and groundcover vegetation. The applicant proposes to impact approximately 1,650 square feet or 0.04 acres of existing RPA for this project (Exhibit A) by encroaching into this area with clearing and grading for the construction of a community pavilion for Section 3 of the Landing at Swift Creek development. The 20x30 foot open design pavilion will have an associated fire pit/gravel based seating area and will serve as an amenity to the neighborhood. Due to site constraints related to an adjacent storm water pond, the developer finds the proposed encroachment necessary to accommodate the construction of the pavilion. The encroachment is located in the landward fifty (50) foot portion of the RPA within a determined site that will require minimal grading and tree removal for construction.

The applicant asserts that implementation of the limits of Chesapeake Bay Preservation Areas (CBPAs), which includes RPA associated with Swift Creek Reservoir would preclude the use of the proposed impacted area for the inclusion of the proposed community pavilion. The applicant has offered an acceptable Water Quality Impact Analysis (WQIA) that satisfactorily meets the required six findings as prescribed by the zoning ordinance for encroachment into the RPA (Exhibit B).

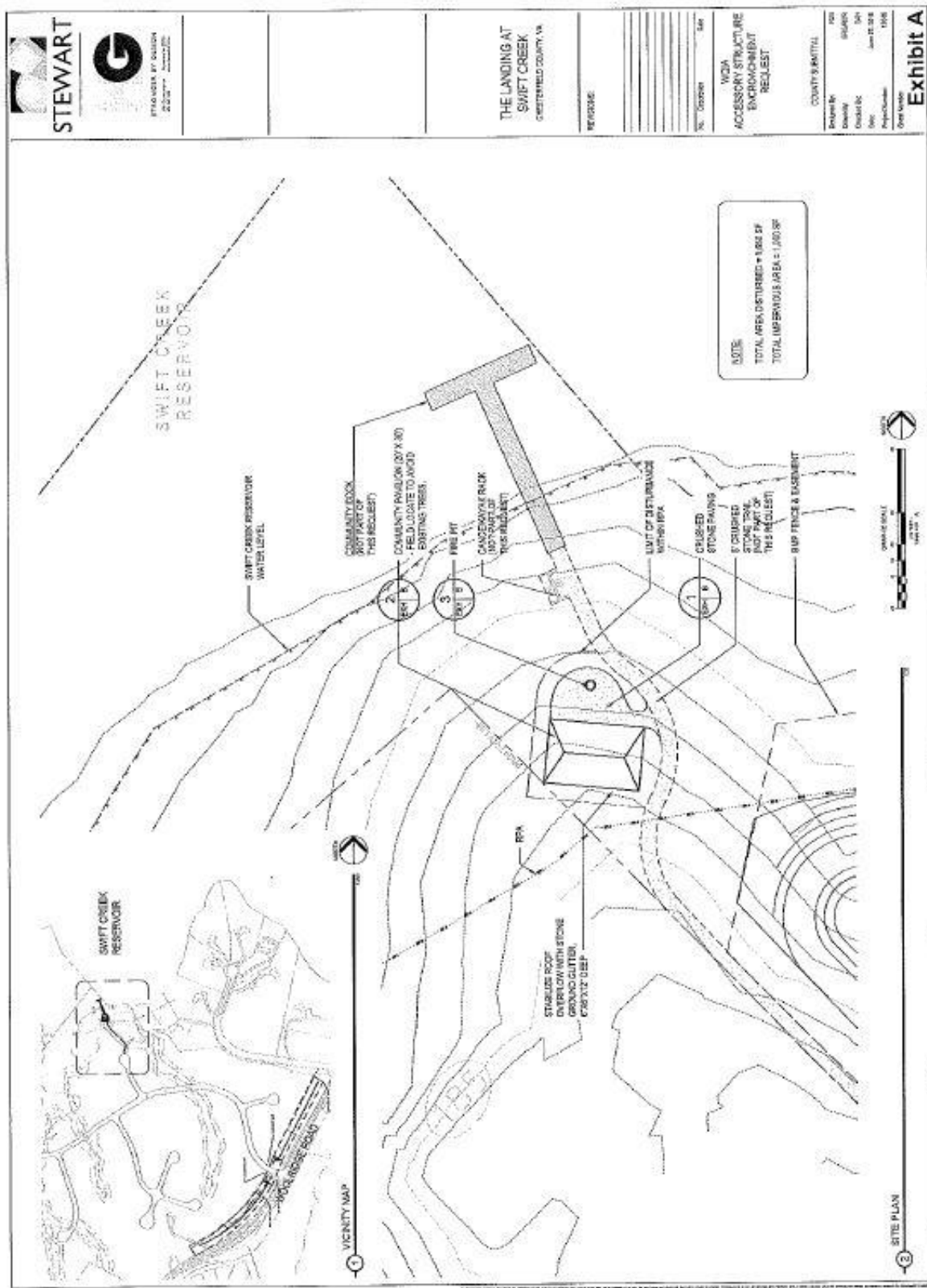
Staff recommends approval of this application subject to the four (4) conditions in Attachment 1.

**CONDITIONS**

1. The mitigation measures outlined in the document titled *Water Quality Impact Assessment, The Landing at Swift Creek, Section 3* prepared by Stewart/HG Engineering last revised October 5, 2015 shall be incorporated and implemented during the plan review process. (EE)
2. The Department of Environmental Engineering may approve alternative mitigation measures if it is determined that such alternatives will not increase impacts to the Resource Protection Area (RPA) or downstream water bodies. (EE)
3. The applicant shall maintain erosion and sediment control measures as required by the Department of Environmental Engineering and ensure preservation of the remaining vegetation. (EE)
4. Approval of this exception is for encroachment into the RPA buffer only and does not guarantee development of the site as explicitly proposed in the WQIA referenced in Condition 1 above. Development of the site is subject to all ordinance requirements, review processes, building permits and/or other requirements currently adopted at the time of plans review. (EE)

# Exhibit A

Site layout depicting encroachment into RPA





# Exhibit B

## Applicant's response to the six findings specified by Section 19.1-527.B for exceptions to the requirements of Sections 19.1-524 and 19.1-525 of the Chesterfield County Chesapeake Bay Preservation Ordinance

Landing Development Corporation  
6225 Lakeside Ave  
Request for an Exception to the Requirements of the Zoning Ordinance  
Proposed Project: Community Pavilion and Fire Pit

### **A. Provide the justification for the proposed exception and a discussion of how each of the following finders are met:**

This request for an exception is to allow construction of a non-water dependent structure within the first 50' of the Chesapeake Bay Resource Protection Area (RPA) at the Swift Creek Reservoir. The proposed community pavilion and fire pit are important elements of the community amenities package proffered by the owner as a condition of approval for The Landing at Swift Creek subdivision. The proposed location of the community pavilion and fire pit was chosen following several layout iterations to identify the most feasible and beneficial location. There is an existing dock with a well-worn travel path located adjacent to the proposed pavilion location, which will draw the community to this particular area of RPA. Providing a stabilized gathering area which will be maintained by the home owners association will serve to minimize erosion and compaction within the RPA that often result in the vicinity of recreational docks. The RPA is mostly clear of undergrowth in this area, with substantial gaps between the trees; therefore, the siting of the pavilion can be easily adjusted to minimize grading and tree removal. There is an existing stormwater pond adjacent to this location which will serve to buffer recreational activities from adjacent home owners, but also limits the development opportunities and contributes to the need to site the structure within the RPA to avoid the BMP easement.

#### **a. The requested exception is the minimum necessary to afford relief**

The requested exception is the minimum necessary to afford relief because it is the result of numerous location feasibility studies. The presence of a stormwater pond and its associated easement pushed the location of the structure into the first 50 feet of the RPA. The community pavilion and fire pit have been sited to minimize disturbance and are located as close to the upper limits of the RPA as possible given the site constraints. The total on-site RPA is 1.79 acres, and the encroachment requested is 0.04 acres.

#### **b. Granting the exception shall not confer any special privileges upon the applicant that are denied by this division to other property owners who are subject to its provisions and who are similarly situated**

Granting this exception does not confer any special privileges; other property owners subject to the ordinance provisions and equally impacted by site constraints would also be justified in requesting an exception.

#### **c. The exception is in harmony with the purpose and intent of this division and will not result in a substantial detriment to water quality**

The exception request is in harmony with the purpose and intent of this division as the pavilion and fire pit are located in close proximity to an existing dock and access path. Concentrating and stabilizing the recreational use of this area affords an opportunity to maintain water quality and treat for impacts through HOA continual maintenance. Water from the pavilion will sheet flow off of the roof to a ground gutter (also known as a stone diaphragm); the structure is oriented to ensure sheet flow rather than concentrated flow through the RPA. The stone diaphragm will encourage infiltration and stabilize the transition into a vegetated planting area that will slow flows and enhance the natural function of the RPA.

**d. The exception request is not based on conditions or circumstances that are self-created or self-imposed**

The location was chosen to minimize impacts by aggregating proposed amenities with an existing dock. In this way, RPA disturbances are minimized and improvements easily maintained. Additionally, the pavilion and fire pit cannot be shifted outside of the RPA in this area due to the easement around the stormwater pond.

**e. Reasonable and appropriate conditions are imposed, as warranted, that will ensure that the permitted activity will not cause a degradation of water quality**

Water quality will be protected both during and after construction of the community pavilion and fire pit. Vegetation will be used to stabilize the area around the improvement, and crushed stone will be used to stabilize the gathering area in order to eliminate the erosion caused by pedestrians. Water from the pavilion will sheet flow off of the roof to a ground gutter (also known as a stone diaphragm); the structure is oriented to ensure sheet flow rather than concentrated flow through the RPA. The stone diaphragm will encourage infiltration and stabilize the transition into a vegetated planting area that will slow flows and enhance the natural function of the RPA. Additionally, the area will be maintained by the home owners association as a community amenity, which will also ensure that the vegetated buffer is maintained.

**f. The request is being made because of the particular physical surroundings, use, shape or topographical conditions of the specific property involved or property adjacent to or within 100 feet of the subject property, or a particular hardship to the owner will occur, as distinguished from a mere inconvenience, if the strict letter of this division is carried out**

The request is based on the need to provide amenities in type and locations that best serve the community within the constraints of the property. The topography of the site dictated a subdivision layout that resulted in prime waterfront property being allocated to a stormwater management pond; however, it also provided an opportunity to preserve areas of public access to the waterfront and the existing dock. The easement around the stormwater management pond also constrained the location and pushed the amenities into the RPA. Any other location for community pavilion and fire pit would be significantly more costly to the owner.